DEPARTMENT OF ECOLOGY
State of Washington

Construction Stormwater General Permit
Proposed New Discharge to an Impaired Water Body

Part 1. Site Information

1a. Site or Project Name:		
1b. Site Address or Location Description:	City:	County:
1c. Impaired Water Body:		
1d. Impairment Pollutant(s):		

Part 2. Discharge Certification

Ecology will not grant coverage under the Construction Stormwater General Permit for new discharges to an impaired (303(d)-listed) water body if the discharge will cause or contribute to a violation of water quality standards. For Ecology to determine whether permit coverage is appropriate, the site operator (Permittee) must select one of the three options below, complete this form, and provide the required documentation to Ecology.

Select the one option below that most clearly applies to your site. **Additionally, submit the relevant portions of the SWPPP (Stormwater Pollution Prevention Plan) that support the chosen option. If you have not yet developed the SWPPP, submit relevant documentation to be included in the SWPPP to justify the chosen option.**

☐ 2a. The pollutant(s) for which the water body is impaired is/are not present on the site. Documentation of this finding is contained within the SWPPP. (If the water body is impaired for more than one pollutant, check this box only if NONE of the impairment pollutants are present on site).

☐ 2b. Stormwater will not be exposed to the pollutant(s) for which the water body is impaired, and the SWPPP details procedures taken to prevent exposure on site. (This statement must be true for all pollutants for which the water body is impaired. If any impairment pollutant does not meet 2a or 2b, you must complete 2c).

☐ 2c. You don't expect the discharge to cause or contribute to an exceedance of a water quality standard. Provide Ecology with data to support this statement, and retain such data on site with the SWPPP. The operator must provide data and other technical information to Ecology that sufficiently demonstrates one of the following:

i. For discharges to waters without an EPA-approved or established TMDL (water cleanup plan), the discharge of the impairment pollutant(s) will meet in-stream water quality criteria at the point of discharge to the water body.

ii. For discharges to waters with an EPA-approved or established TMDL, there is sufficient remaining wasteload allocation in the TMDL to allow the construction stormwater discharge and that existing dischargers to the water body are subject to compliance schedules designed to bring the water body into attainment with water quality standards.

**If none of the options above apply to your site, your site will not be eligible for coverage under the permit.*

Part 3. Signature

3a. *"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."*

_____ / _____ _____ .

Printed Name / Company (Operator/Permittee only) Title

_____ _____ .

Signature of Operator/Permittee* Date

* Signature of Operator/Permittee requirements:

A. For a corporation: by a responsible corporate officer.
B. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.
C. For a municipality, state, federal, or other public facility: by either a principal executive officer or ranking elected official.

Please sign and return this document to the following address:

Washington Department of Ecology - Stormwater
PO Box 47696
Olympia, WA 98504-7696

If you have questions, please call:

Location	Contact Name	Phone	E-mail
Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Skagit, Snohomish, Spokane, Stevens, Walla Walla, Whatcom, and Whitman counties	Shawn Hopkins	360-407-6442	shawn.hopkins@ecy.wa.gov
Island, King (except Seattle), and San Juan counties	RaChelle Stane	360-407-6556	rachelle.stane@ecy.wa.gov
City of Seattle and Kitsap, Pierce, and Thurston counties	Josh Klimek	360-407-7451	josh.klimek@ecy.wa.gov
Benton, Chelan, Clallam, Clark, Cowlitz, Douglas, Grays Harbor, Jefferson, Kittitas, Klickitat, Lewis, Mason, Okanogan, Pacific, Skamania, Wahkiakum, and Yakima counties	Joyce Smith	360-407-6858	joyce.smith@ecy.wa.gov

To request ADA accommodation including materials in a format for the visually impaired, call the Water Quality Program at 360-407-6600. Persons with impaired hearing may call Washington Relay Service at 711. Persons with speech disability may call 877-833-6341.

Directions for Completing the Impaired (303[d]-List) Water Body New Discharger Form

Part 1.

1a and 1b: Provide site information. This site information must be identical to the information provided on your notice of intent application form to obtain coverage under the Construction Stormwater General Permit.

1c: Write the name of the 303(d)-listed (also called *Category 5*) water body segment(s) to which your site drains or discharges into.

1d: List all pollutants (for example, temperature, fecal coliform, bacteria, etc.) for which the Category 5 water body is impaired. See the following website for information on TMDLs: http://www.ecy.wa.gov/programs/wq/tmdl/TMDLsbyWria/TMDLbyWria.html

Part 2.

If your site may discharge to a 303(d)-listed (Category 5) water body segment, you are required to select one of the three options (2a, 2b, or 2c) most appropriate to your site's situation in order to be eligible for coverage under the permit. [Please note that the examples below are NOT specific to the pollutants used in the examples. Any impairment pollutant may apply to any of the three options.]

Option 2a: Choose this option if the pollutant(s) of concern is not present on site. **You will need to attach additional documents to fully meet the submittal requirements of this option (a copy or excerpt from the SWPPP, a brief narrative of pollution control methods, sampling data, etc.).**

For example:

- *The water body segment is impaired for fecal coliform bacteria, but there is no known source of fecal coliform bacteria (waste from animals or humans) contamination on the site.*
- *The water body is impaired for temperature, but due to site characteristics (soils, vegetation, drainage, etc.) and time of year that discharges are most likely to occur (Oct-April), there will not be a source of warm water that would cause an increase in the receiving water temperature.*
- *The water body sediments are impaired for PCBs and dioxin, but there are no known sources of these pollutants on the site.*

Option 2b: Choose this option when the pollutant(s) of concern is on site but stormwater will not come in contact with this pollutant.

For example:

- *The water body segment is impaired for phosphorus, high pH and low dissolved oxygen. Soil on the site contains phosphorus that may contribute to excessive plant growth, which in turn may cause high pH and low dissolved oxygen levels in water bodies. The SWPPP contains detailed plans to cover all exposed soils (with plastic sheets, straw mulch, etc.) to prevent stormwater from conveying soil/sediment (and the attached phosphorus) into the water body. Soil stabilization and revegetation will not include the use of phosphorus-containing fertilizers, compost or other products that could cause excess phosphorus or other nutrients to be discharged. In addition, sediment control measures (traps, ponds, silt fence, waddles, etc.) will be installed and maintained to ensure that sediment laden stormwater is not discharged during the construction activity.*
- *The water body sediment is impaired for total petroleum hydrocarbons (constituents of gasoline, diesel, oil and other petroleum-based products), but the SWPPP contains measures to ensure that all petroleum products (for example, fuel, lubricants) used during construction are covered and contained to prevent the discharge of petroleum hydrocarbons into the receiving water.*
- *The water body is impaired for dioxin, and the site's groundwater contains dioxin. However, the dioxin-contaminated groundwater will be pumped into tanks for off-site disposal and treatment, while preventing the groundwater (and dioxin) from co-mingling with stormwater.*

Option 2c: Choose this option when the pollutant(s) of concern is on site, will be exposed to stormwater, and will be discharged off site. You will need to document, in advance, how the pollutant will be controlled, minimized, and discharged to meet the in-stream water quality criteria for the water body. **You will need to attach additional documents to fully meet the submittal requirements of this option (a copy or excerpt from the SWPPP, a brief narrative of pollution control methods, sampling data, etc.).**

For example:

- *The receiving water body is impaired for turbidity and fine sediments. Mandatory BMPs (Best Management Practices) and erosion-control practices put in place by the permit will appropriately minimize the turbidity of the stormwater discharges. Additionally, retention ponds will allow for suspended solids to settle out before stormwater is discharged.*

The conditions of **2c.i** apply for discharges to water bodies without a TMDL and require providing data and other technical information to demonstrate that the discharge will not cause or contribute to a violation of the water quality standards at the point of discharge. This would typically involve pre-construction water quality sampling, or other site-specific investigation(s). You should contact Ecology to discuss the development of an appropriate sampling and/or site characterization plan. This option should only be pursued if Options 2a or 2b are not applicable to your site.

The conditions of **2c.ii** would only apply if your site discharges to a water body segment with an EPA-approved or EPA-established TMDL. If that is the case, contact your Ecology permit administrator – this person will help you determine whether there is sufficient remaining wasteload allocation to allow additional construction stormwater discharges and the existing discharges are subject to compliance schedules to bring the water body into compliance with the water quality standards.

Definitions

***303(d) List*:** The term "303(d) list" is the list of impaired and threatened waters (stream/river segments, lakes, etc) that the Clean Water Act requires all states to submit for EPA approval every two years in even-numbered years. The states identify all waters where required pollution controls are not sufficient to attain or maintain applicable water quality standards, and establish priorities for development of "total maximum daily loads," or TMDLs (water cleanup plans), based on the severity of the pollution and the sensitivity of the uses to be made of the waters, among other factors (40C.F.R. §130.7[b][4]). States then provide a long-term plan for completing TMDLs within 8 to 13 years from first listing.

***Impaired (303[d]-Listed) Water Body*:** Water bodies that do not meet water quality standards and are listed on the 303(d) list (see 303(d) List).

SWPPP: Stormwater pollution prevention plan. The Permittee's SWPPP is required to be maintained and updated on site, and must support the site operator's efforts to implement best management practices (BMPs) to prevent erosion and sedimentation and to identify, reduce, eliminate or prevent stormwater contamination and water pollution from construction activity; to prevent violations of surface water quality, ground water quality, or sediment management standards; and to control peak volumetric flow rates and velocities of stormwater discharges. The SWPPP must include a narrative and drawings. The SWPPP narrative must include documentation to explain and justify the pollution prevention decisions made for the project. (All BMPs must be clearly referenced in the narrative and marked on the drawings.)

TMDL: The TMDL (Total Maximum Daily Load or water cleanup plan) calculates the maximum amount of a pollutant allowed to enter a water body so that the water body will meet water quality standards for that particular pollutant. (http://water.epa.gov/lawsregs/lawsguidance/cwa/tmdl/overviewoftmdl.cfm)